

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re: Ling Wang,
Debtor.

Case No. 13-31150-5-mcr
Chapter 7

Roger Berman,
v. Plaintiff,

Adversary Proceeding No.
15-50028-5

Ling Wang,
Defendant.

Memorandum-Decision and Order Granting Motion for Default Judgment

Plaintiff Roger Berman ("Plaintiff") filed this adversary proceeding seeking to deny the granting of a discharge to Ling Wang ("Debtor/Defendant") pursuant to 11 U.S.C. ("Bankruptcy Code" or "Code") § 727(a)(2), (4), (6) and (11) and a determination of dischargeability pursuant to Bankruptcy Code § 523(a). Debtor/Defendant failed to answer the complaint and Plaintiff has moved this court for default judgment pursuant to Fed. R. Bankr. P. 7055 (Docs. 13 and 14) ("Motion"). The Motion was made returnable on February 4, 2016. Debtor/Defendant did not oppose the Motion.

By letter dated January 29, 2016, Plaintiff's counsel has apprised the court that he is seeking judgment on the fifth count of his complaint brought pursuant to Bankruptcy Code § 727(a)(11), and is not pressing the remaining causes of action asserted against Debtor/Defendant (Doc. 19).


Bankruptcy Code § 727(a) (11) provides that "[t]he court shall grant the debtor a discharge, unless--after filing the petition, the debtor failed to complete an instructional course concerning financial management" The court finds that Debtor/Defendant has not completed the required instructional course and is, therefore, not eligible for a discharge. Given the passage

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of time and the failure of the Debtor to timely cooperate and perform her required duties as outlined in Code §§343 and 521, the court will not accept any proffered late performance by the Debtor to cure the defaults. Upon consideration of the foregoing, it is hereby

ORDERED that Plaintiffs' Motion is granted and a separate judgment shall issue pursuant to Fed. R. Bankr. P. 7058 denying Debtor/Defendant a discharge pursuant to Bankruptcy Code § 727(a) (11).

Dated: February 11, 2016
Syracuse, New York



Margaret Cangilos-Ruiz
U.S. Bankruptcy Judge